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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,706

01/08/2007

Marjana Andersson

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4535

44992 7590 02/17/2010

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EXAMINER

DAVIS, ZINNA NORTINGTON

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

02/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,706	Applicant(s) ANDERSSON ET AL.	
	Examiner Zinna Northington Davis	Art Unit 1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) 7,13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 10 is/are rejected.
- 7) ☒ Claim(s) 4, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

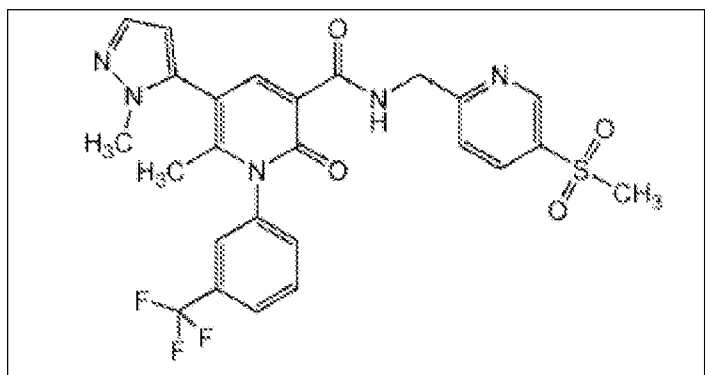
Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/17/06;11/08/06;11/30/09;12/22/09;01/28/10.

DETAILED ACTION

1. Claims 1-4, 6, 7, and 10-14 are pending. Claims 5, 8, and 9 have been canceled.
2. In the response filed November 30, 2009, Applicants have elected Group I, claims 1-4, 6, and 10-12, without traverse. The compound depicted below is the preferred species:



3. Based upon the election of the preferred species, the election of species requirement is withdrawn. However, the restriction requirement is maintained.
4. Claims 7, 13, and 14 are withdrawn from consideration. These claims have not been canceled.
5. Rejoinder of the method claims will be addressed upon allowance of claimed subject matter.
6. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by

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a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. At claim 6, the dependency is improper.

B. At claim 10, it is suggested that the phrase "and optical isomers, racemates and tautomers thereof and pharmaceutically acceptable salts" should be amended to read in the alternative.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

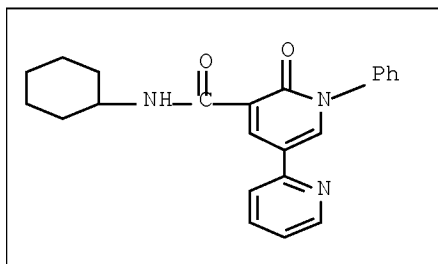
A person shall be entitled to a patent unless --

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

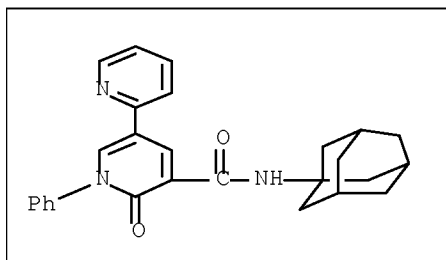
10. Claims 1-3, 6, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eisai Co., LTD [WO 03/047577 which is Reference 17 (cited by Applicants)].

The instantly claimed compounds are disclosed. The compounds are depicted below:

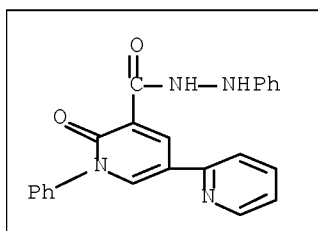
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At page 205, see Example 344. The claims are fully met when R^4 is H, L is a Direct bond, G^1 is phenyl, R^5 is H, G^2 is a bicyclic ring system, R^1 is H, and R^2 is a six membered heteroaromatic ring.

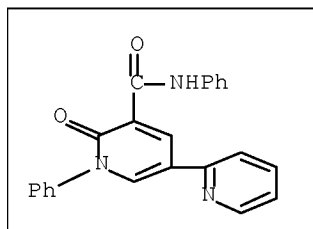


At page 205, see Example 346. The claims are fully met when R^4 is H, L is a direct bond, G^1 is phenyl, R^5 is H, G^2 is a bicyclic ring system, R^1 is H, and R^2 is a six membered heteroaromatic ring.



At page 205, see Example 348. The claims are fully met when R^4 is H, L is NH, G^1 is phenyl, R^5 is H, G^2 is phenyl, R^1 is H, and R^2 is a six membered heteroaromatic ring.

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At page 204, see Example 169. The claims are fully met when R^4 is H, L is a direct bond, G^1 is phenyl, R^5 is H, G^2 is phenyl, R^1 is H, and R^2 is a six membered heteroaromatic ring.

11. The Information Disclosure Statements filed March 17, 2006, November 8, 2006, November 30, 2009, December 22, 2009, and January 28, 2010 have been considered.

12. Claims 4, 11, and 12 are objected to.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna Northington Davis whose telephone number is 571-272-0682.

14. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[SIGNATURE BLOCK ON NEXT PAGE]

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/Zinna Northington Davis/
Zinna Northington Davis
Primary Examiner
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Znd
02.05.2010